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PATENT
ATTORNEY DOCKET NO.: 049050-5008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

James FRISKEL)

Application No.: 09/620,171)

Filed: July 19, 2000)

For: MESSAGING SYSTEM FOR)
INDICATING STATUS OF A SENDER OF)
ELECTRONIC MAIL AND METHOD)
AND COMPUTER PROGRAM)
PRODUCT THEREFOR)

Confirmation No.: 2340

Group Art Unit: 2151

Examiner: B. Barot

RECEIVED

JUL 14 2004

Technology Center 2100

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street South
Customer Window, MAIL STOP AMENDMENT
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Office Action dated January 20, 2004.

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, _____ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

7. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Please charge Deposit Account No. 50-0310 in the amount of **\$776.00** (\$475.00 for a three-month extension of time fee and \$301.00 for an excess claim fee). The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: Mary Jane Boswell
Mary Jane Boswell
Reg. No. 33,652

Dated: July 7, 2004

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|--|--------------------------|-------------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 420.00 | \$ 210.00 |
| <input checked="" type="checkbox"/> three months | \$ 950.00 | \$ 475.00 |
| <input type="checkbox"/> four months | \$ 1,480.00 | \$ 740.00 |

Extension of time fee due with this request: **\$475.00**.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Small Entity Status

☒ Applicant(s) hereby assert(s) small entity status under 37 C.F.R. § 1.27.

6. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|---|-------|--------------------------------|------------------|--------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 25 | minus | 28 | 0 | x \$18 each= | + \$0.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 10 | minus | 3 | 7 | x \$86 each= | + \$602.00 |
| [] First presentation of Multiple dependent claim(s) | | | | | \$290.00 | + \$ |
| SUB-TOTAL = | | | | | | \$602.00 |
| Reduction by ½ for filing by a small entity | | | | | | - \$301.00 |
| TOTAL FEE = | | | | | | \$301.00 |